



# City of Carmel

## **Carmel Advisory Board of Zoning Appeals Hearing Officer Tuesday, June 7, 2005**

The meeting was held at 5:30 PM in the Caucus Rooms of City Hall, Carmel, Indiana on Tuesday, June 7, 2005. The Hearing Office was Madeleine Torres.

Department of Community Services Staff in attendance was Jon Dobosiewicz.

### **D. Public Hearing:**

#### **1d. Parkwood Crossing, Bldg 7: CSO Schenkel Schultz**

Petitioner seeks the following development standards variance approval:

**Docket No. 05050027 V      ZO Chapter 25.07.02-10      sign size**

The site is located 280 E 96th Street and is zoned B-6/Business within the US 31 Overlay.

Filed by Steve Granner of Bose McKinney & Evans LLP.

Present for the Petitioner: Steve Granner, Bose McKinney & Evans, and Brent Davis, CSO Schenkel Schultz. From the packet the pictures of the existing sign and the new sign were discussed. The existing sign is there by variance for two signs on the building and for the size of the CSO logo. With the merger of CSO and Schenkel Schultz, the name on the building needs to be changed. A chart of all the signs on the buildings in Parkwood Crossing was shared. Size-wise the proposed sign fits in with what is there. The letters of the existing CSO sign are 24 inches in height. The new letters will be 14 inches. The existing logo is 84 inches tall and the new logo will be 45.25 inches tall. The Ordinance requires it to be boxed into a single rectangle. With the logo on top, there is a lot of non-sign space that counts toward the size. If the logo and letters were each boxed separately, the total of the two would be well under what the Ordinance permits.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

The Public Hearing was closed.

Mr. Dobosiewicz stated there was nothing to add, it was just the way the Ordinance calculates sign area. They had worked with the petitioner and this was the best way to provide the signage on the building. The Department recommends favorable consideration.

Mrs. Torres asked if they had looked at stacking CSO on top of Schenkel Schultz.

Mr. Davis stated that this was the same way the logo on their letterhead was formatted.

Mrs. Torres thought it looked long and narrow and almost too small for the logo and not proportional.

Mr. Granner stated they were using a narrower font and only the logo would be illuminated. This was the font and design decided upon by CSO Schenkel Schultz.

Mrs. Torres **APPROVED Docket No. 05050027 V, Parkwood Crossing, Bldg 7: CSO Schenkel Schultz.**

**2d. Spring Lake Estates, Lot 44 – Creed Residence**

Petitioner seeks the following development standards variance approval:

**Docket No. 05050022 V ZO Chapter 6.04.03.A front yard setback**

The site is located 12192 Teal Lane and is zoned S-2/Residence.

Filed by Construction Services Associates for Wendy Creed.

Present for the Petitioner: Cole Siekmann, Construction Services Associates, and Mrs. Wendy Creed, the homeowner. The variance is for the north setback line. The property has two front setbacks because it is a corner lot. The Hamilton County maps did not show the drainage and utility easement. When the plot plan was done, the engineering firm found a 16-foot drainage and utility easement. That has made a five-foot four-inch encroachment into the setback of the north line. They were asking for six feet, changing the setback from 36 feet to 30 feet.

No public in favor.

Remonstrance:

David Walsh, 12183 Teal Lane, appeared as a concerned citizen. His property is across from this house. He did not have a particular objection to it, if it was still as indicated in the rendering that was filed with the original petition. He was concerned about last minute changes. He had heard one tonight (5-foot 4-inches to 6 feet) and he wanted to make sure the house was still facing east and the garage was facing north. The same easement that runs through this lot runs through the northern portion of his lot except he has the bulk of his driveway on it.

Mr. Dobosiewicz asked Mr. Walsh if he wanted the petition approved subject to the garage facing north.

Mr. Walsh agreed. Otherwise there would be three driveways coming out right together. He lives in one of the two original houses for this piece of ground that used to go out to Springmill Road. He has been concerned about the future development. This will be the third house built along Springmill in the last year and two of the three have asked for zoning variances. He felt this could cause delays in building out the neighborhood. He had been seeing a pattern from the Zoning Office. This is a 44-lot subdivision that has been eleven years developing. Illinois Street in going in back of the subdivision and it is building out slowly because of speculation on the lots. Nothing has changed since 1994 for the setback lines.

Mrs. Torres thanked him for his comments. She stated that any of the Board's decisions are not precedent-setting.

Mr. Dobosiewicz stated that if the request had not been made for the variance, there would have been no public input on where the driveway came out.

Mr. Walsh stated there were restrictive covenants for the 35-foot building line and he has the right of private enforcement.

Mr. Dobosiewicz asked Mr. Siekmann if he had received approval from the holder of the covenant.

Mr. Siekmann was told that they would not write a letter in favor, but that they would not disagree.

Mr. Dobosiewicz stated that it was not a public issue, but a private issue. If Mr. Walsh doesn't want the house over the 35-foot line, he has control over a private covenant on the real estate that would prevent building, whether a building permit was pulled first or it was built. He suggested Mr. Siekmann get approval from the holder of the covenant.

Mrs. Torres asked about the existing drainage easements not showing and if that had been remedied for the other lots.

Mr. Siekmann stated that it showed the one across the street, but did not show the one on the west side.

Mr. Dobosiewicz stated that if the information was pulled from the County's website, the easement would not show. They would be identified on the recorded plat.

Mrs. Torres **APPROVED Docket No. 05050022 V, Spring Lake Estates, Lot 44 – Creed Residence**, with the **Condition** that the garage face north.

**E. Old Business.**

There was no Old Business.

**F. New Business.**

There was no New Business.

**G. Adjourn.**

The meeting was adjourned at 5:50 PM.

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Madeleine Torres, Hearing Officer

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Connie Tingley, Secretary